

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

WENDELL CRUSE,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-3872

JOHN TALBOT, Cabell County
Deputy Sheriff, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny, without prejudice, the defendants' Motion to Dismiss for Insufficiency and Service of Process (ECF No. 24) and quash the service of the summonses which were improperly served on John Talbot and John Miller. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES, without prejudice**, the defendants' Motion to Dismiss for Insufficiency and Service of Process (ECF No. 24) and **QUASHES** the service of the summonses which were improperly served on John Talbot and John Miller, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 18, 2016



ROBERT C. CHAMBERS, CHIEF JUDGE